

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Kelly Alvarez,

FILED ELECTRONICALLY

Plaintiff

v.

Firstsource Advantage, LLC,

Defendant

COMPLAINT

I. Introduction

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

II. Jurisdiction and Venue

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

III. Parties

4. Plaintiff, Kelly Alvarez, is a natural person residing at 310 21st Ave., Scranton, PA 18504.

5. Defendant, Firstsource Advantage, LLC, ("the Collector") is a limited liability corporation engaged in the business of collecting debts in this state with a place of business located at 205 Bryant Woods South, Amherst, NY 14228.

6. Defendant, Firstsource Advantage, LLC, ("the Collector") is a "debt collector" as defined by the Act, 15 U.S.C. § 1692a(6).

IV. Statement of Claim

7. On or before September 1, 2008, the Collector began attempting to collect an alleged account ("the Account") from Plaintiff.

8. The Account is a "debt" as that term is defined by the Act, 15 U.S.C. §1692a(5).

9. The collector regularly uses the telephone and mails to attempt to collect consumer debts alleged to be due another.

10. Between September 1, 2008 and December 1, 2008, the Collector caused at least seven (7) telephone calls to be placed to phone number (570) 909-9476.

11. The aforementioned phone number was assigned to the address identified in paragraph 4 at all times relevant to this matter.

12. During each of these calls, an employee of the Collector left a message for Plaintiff.

13. 15 U.S.C. § 1692e(11) requires a debt collector to disclose that the communication is from a debt collector in all communications with a consumer.

14. In four of these messages, the caller failed to disclose that the call was from a debt collector.

15. In those four messages, the caller failed to provide the disclosure required by 15 U.S.C. § 1692e(11).

16. In the other three messages, the caller did provide the disclosure required by 15 U.S.C. § 1692e(11).

17. 15 U.S.C. § 1692d(6) requires a debt collector to provide a meaningful disclosure of identity in all communications with a consumer.

18. In one of the messages referenced in paragraph 14, the caller also failed to state the name of the Collector and the purpose of the call.

19. In that message, the caller failed to provide the meaningful disclosure of identity required by 15 U.S.C. § 1692d(6).

20. In the other six messages, the caller did provide the meaningful disclosure of identity required by 15 U.S.C. § 1692d(6).

21. 15 U.S.C. § 1692e(10) prohibits a debt collector from using any false representation or deceptive means to collect a debt or obtain information about a consumer.

22. In three of the messages referenced in paragraph 14, the caller made statements, such as "I need your immediate attention", "Return this call as soon as possible", or "Call back before ten".

23. The statements referenced in paragraph 22 created a false sense of urgency, in violation of 15 U.S.C. § 1692e(10).

24. These calls/messages were attempts to collect the Account.
WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper.

V. Demand for Jury Trial

25. Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kenneth W. Pennington

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**Verification of Complaint and Certification
by Plaintiff Kelly Alvarez**

Plaintiff, Kelly Alvarez, being duly sworn according to law, deposes as follows:

1. I am a plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

6. If applicable, each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.

7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain exhibit labels and some of my own handwritten notations.

Kelly Alvarez
Kelly Alvarez
Plaintiff

Subscribed and sworn to before me this
24th day of June, 2009.

Kimberly M. Bryden

